

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

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In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹
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PROMESA

Title III

Case No. 17 BK 3283-LTS

(Jointly Administered)

**Re: ECF Nos. 2501, 2553, 2555,
2587**

**JOINDER OF THE PUERTO RICO FISCAL AGENCY AND FINANCIAL ADVISORY
AUTHORITY TO OBJECTION OF FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD TO MOTION OF PBA FUNDS FOR THE PAYMENT OF RENT**

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

To the Honorable United States District Court Judge Laura Taylor Swain:

The Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”), as the entity authorized to act on behalf of the Commonwealth of Puerto Rico, the Puerto Rico Sales Tax Financing Corporation, the Puerto Rico Highways and Transportation Authority, the Employees Retirement System of the Government of the Commonwealth of Puerto Rico, and the Puerto Rico Electric Power Authority (collectively, the “Debtors”) pursuant to the authority granted to it under the *Enabling Act of the Fiscal Agency and Financial Advisory Authority*, Act 2-2017, respectfully submits this joinder to the *Objection of Financial Oversight and Management Board to Motion of PBA Funds for the Payment of Rent* [ECF No. 2587] (the “Objection”) and states as follows:²

1. AAFAF hereby joins the Financial Oversight and Management Board in opposing the Motion and adopts the factual and legal arguments set forth in the Objection.³

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² Capitalized terms used but not defined herein shall have the meanings used in the Objection.

³ In addition to the grounds set forth in the Objection, AAFAF reserves the right to argue that the PBA Funds have not established and cannot establish any ownership or other property interest in rents under the PBA Leases with any of the Debtors that would, in turn, give the PBA Funds direct collection or enforcement rights, because the PBA Funds do not have a perfected security interest under the Puerto Rico doctrine of antichresis. *See* 31 L.P.R.A. §§ 5061-66; *Rodriguez v. Estate of Pirazzi*, 89 D.P.R. 506 (1963).

CONCLUSION

For the reasons set forth in the Objection, AAFAF respectfully requests the Court deny the Motion.

Dated: February 23, 2018
New York, New York

Respectfully submitted,

/s/ Peter Friedman

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